

**2009 DRAFTING REQUEST**

**Bill**

Received: **01/19/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Byrnes**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **EVM**

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Byrnes, BB0455 -

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**Topic:**

Eliminate paper title for leased vehicles

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	agary 01/21/2009	wjackson 01/21/2009	rschluet 01/21/2009	_____	mbarman 01/22/2009		

FE Sent For:

**<END>**

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/?	agary	1 WJ 1/21		==			

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**<END>**

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Eliminate paper title for leased vehicles
- Tracking Code: BB0455
- SBO team: Tax, Transportation and Budget Development Team
- SBO analyst: Tyler Byrnes
  - Phone: 266-1039
  - Email: tyler.byrnes@wisconsin.gov
- Agency acronym: DOT
- Agency number: 395
- Priority (Low, Medium, High): High

Intent: Please prepare a draft that eliminates the requirement for providing a paper title to the owners of leased vehicles. Statutory language changes would be required to allow DOT to not provide a paper title in certain circumstances.

- Explicitly state that the department record is the official vehicle title record
- Establish priority of the electronic record over a printed Wisconsin title if the electronic record is more recently created
- Allow the Department to treat its electronic record as the title

Make the effective date 4 months after the enactment of the budget bill.

**Gary, Aaron**

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**From:** Gary, Aaron  
**Sent:** Wednesday, January 21, 2009 9:19 AM  
**To:** Byrnes, Tyler - DOA  
**Subject:** BB0455

Tyler,

Under current law, DOT may issue a certificate of title in an automated format (ie electronic). DOT may also deliver certificates of title through electronic transmission. I can find no statutory requirement for providing a paper title to the owners of leased vehicles. Can you identify the statutory provision that requires this?

Thanks. Aaron

Aaron R. Gary  
Attorney, Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

1/21/09

He a/ Tyler

6-1039

- talked to Karen at DOT -

they think current stat,

342.10 (6), isn't clear enough

01/21/2009



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1634/1

ARG:.....

WJ

in  
1/21

DOA:.....Byrnes, BB0455 - Eliminate paper title for leased vehicles

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

S-Note

Do Not Gen

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

↓  
**TRANSPORTATION**

↓  
**DRIVERS AND MOTOR VEHICLES**

Under current law, DOT may issue certificates of title in an automated format and deliver them through electronic transmission. Certain information required to be provided to DOT may also be furnished in an electronic format.

This bill clarifies that "automated format," with respect to any document, record, or other information, includes that document, record, or other information generated or maintained in an electronic or digital form or medium.

Also under current law, DOT must maintain certain records, including a record of all applications and all certificates of title issued by DOT.

This bill specifies that DOT may maintain any certificate of title or other information in an automated format and may consider any record maintained in an automated format to be the original and controlling record, notwithstanding the existence of any printed version of the same record. The bill also specifies that the records maintained by DOT are the official vehicle title records.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 342.01 (2) (ac) of the statutes is created to read:

342.01 **(2)** (ac) “Automated format,” with respect to any document, record, or other information, includes that document, record, or other information generated or maintained in an electronic or digital form or medium.

**SECTION 2.** 342.09 (4) of the statutes is created to read:

342.09 (4) (a) The department may maintain any certificate of title or other information required to be maintained under this section in an automated format and may consider any record maintained in an automated format under this paragraph to be the original and controlling record, notwithstanding the existence of any printed version of the same record.

(b) Records maintained by the department under this section are the official vehicle title records.

**SECTION 9450. Effective dates; Transportation.**

(1) AUTOMATED VEHICLE TITLE RECORDS. The treatment of sections 341.01 (2) (ac) and 342.09 (4) <sup>of the statutes</sup> takes effect on the first day of the 4th month beginning after publication.

**(END)**

D-Note

## 5.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1634/1dn  
ARG:wlj:rs

January 21, 2009

ATTN: Tyler Byrnes

Following up on our conversation, I believe that the attached draft should meet DOT's needs and address the concerns expressed by DOT regarding electronic certificates of title. The attached draft does not specifically address paper titles for leased vehicles, as I can find no requirement for paper titles for leased vehicles under s. 342.156 or elsewhere. I believe this draft, in combination with current law, should give DOT adequate authority to issue electronic certificates of title in any circumstance where DOT considers it beneficial.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)





State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1634/1

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